

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF PUERTO RICO

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In re: : PROMESA  
 : Title III  
THE FINANCIAL OVERSIGHT AND :  
MANAGEMENT BOARD FOR PUERTO RICO, : Case No. 17-BK-3283 (LTS)  
 :  
as representative of : (Jointly Administered)  
 :  
THE COMMONWEALTH OF PUERTO RICO et al., :  
 :  
Debtors.<sup>1</sup> :  
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**ORDER GRANTING MOTION OF OFFICIAL COMMITTEE  
OF UNSECURED CREDITORS FOR ORDER, UNDER BANKRUPTCY RULE 2004,  
AUTHORIZING DISCOVERY OF TITLE III DEBTORS, OTHER THAN COFINA, CONCERNING  
POTENTIAL AVOIDANCE ACTIONS**

Upon consideration of the *Motion of Official Committee of Unsecured Creditors for Order, Under Bankruptcy Rule 2004, Authorizing Discovery of Title III Debtors, Other than COFINA, Concerning Potential Avoidance Actions* (Dkt. No. 4373) (the “Motion”),<sup>2</sup> and the exhibits attached thereto, the Court hereby FINDS AND DETERMINES that (i) the Court has jurisdiction to consider the Motion and the relief requested therein pursuant to section 310 of

<sup>1</sup> The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474), and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

PROMESA; (ii) venue is proper before this Court pursuant to section 307(a) of PROMESA; (iii) due and proper notice of this Motion has been provided under the particular circumstances and no other or further notice need be provided; (iv) the Court finds that examination under Rule 2004 of the Federal Rules of Bankruptcy Procedure of the documents sought from the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, the Puerto Rico Electric Power Authority, and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (collectively, the "Recipients") in the Document Request identified as Exhibit B to the Motion (the "Document Request") is appropriate. Accordingly, it is hereby ORDERED THAT:

1. The Committee is authorized to issue the Document Request attached as Exhibit B to the Motion.

2. Subject to paragraph 3 hereof, the Recipients are directed to produce documents, materials, or lists responsive to the Document Request to the Committee and the Oversight Board's Special Claims Committee. Production shall commence no later than **December 21, 2018**.

3. The Committee, the Oversight Board's Special Claims Committee, and the Recipients (collectively, the "Parties") are directed to meet and confer concerning the timing and scope of production in response to the Document Request. This Order does not address any objections to the Document Request, all of which are reserved.

4. The Parties shall submit a joint status report on or before **January 15, 2019**, which shall address, but need not be limited to addressing: (i) unresolved objections of the

Recipients, including issues concerning the scope of the Document Request; and (ii) the date for completion of document production.

5. Nothing herein shall prejudice or limit (i) the Committee's or the Oversight Board's rights, including their rights under PROMESA, to seek or request further documentation or discovery from the Recipients or any other persons or entity, nor (ii) such Recipient's objections to any such request for documents or discovery, all of which are reserved.

6. Any issues the Parties are unable to resolve consensually, including issues concerning the timing and scope of production, may be brought to the Court's attention through the filing of an urgent motion. The Parties will not contest the urgent nature of the relief requested in any such motion and consent to having the motion heard on an expedited basis.

7. The Official Committee of Retired Employees of the Commonwealth of Puerto Rico shall receive copies of all documents produced in response to the Document Request.

8. The terms of and conditions of this Order shall be immediately effective and enforceable upon its entry.

9. As a result of the above referenced agreement among the parties, the Court will not hear argument on the Motion. This Order resolves the Motion as submitted at docket entry number 4373, without prejudice to any of the parties' rights as set forth herein.

SO ORDERED.

/s/ Judith Gail Dein

Judith Gail Dein

United States Magistrate Judge

December 14, 2018